

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1924 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- BANGARA District- Samastipur

-
1. MD. REYAZ @ MD. REAJ SON OF MD. ILIYAS R/O VILLAGE- SIRSIYA, P.S.- N.H. BANGRA, DISTRICT- SAMASTIPUR
 2. MD. MERAJ @ MD. MEHRAJ SON OF MD. MOTI MIYAN R/O VILLAGE- SIRSIYA, P.S.- N.H. BANGRA, DISTRICT- SAMASTIPUR
 3. MD. MOTI MIYAN SON OF LATE MD. AYUB R/O VILLAGE- SIRSIYA, P.S.- N.H. BANGRA, DISTRICT- SAMASTIPUR
 4. MD. HASNAIN @ MD. HASNAIN KHAN SON OF LATE ABDUL TAUAB R/O VILLAGE- SIRSIYA, P.S.- N.H. BANGRA, DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. SANGEETA DEVI WIFE OF PRAMOD RAM R/O VILLAGE- SIRSIYA, P.S.- N.H. BANGRA, DISTRICT- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
For the informant	:	Mr. Bijay Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-06-2023 Heard learned counsel for the appellants, learned
counsel for the informant and learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 22.03.2023 in A.B.P. No. 616 of 2023 passed by
the learned 1st Additional Sessions Judge-cum-Special



Judge S.C./S.T. (POA) Act, Samastipur in connection with Bangra P.S. Case No. 56 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 427, 307 and 504 of the Indian Penal Code as well as Sections 3(1)(r)(s)(i)(w) of the SC/ST Act.

Learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant nos. 3 and 4.

Permission is accorded.

Learned counsel for the appellants submits that appellant nos. 1 and 2 are persons with clean antecedent and from perusal of the allegation as alleged in the FIR it would manifest that on account of dispute relating to land the present occurrence is alleged to have taken place, it is next submitted that allegation of assault is not against these appellants rather specific allegation of assault is against Md. Hasnain and Md. Nizam, it is further submitted that even using abusive language against the appellants is not alleged specifically as who amongst the accused abused the informant by using abusive language with respect to caste, it is further submitted that the occurrence took place as the



informant was constructing his house on a piece of land which belongs to the appellants. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view.

Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellants but are not in a position to rebut the submissions of the learned counsel for the appellants that there is no specific allegation of assault against the appellants and even the allegation of abusing by using caste name is not specific.

In view of the submissions made by the learned counsel for the appellants, the order dated 22.03.2023 in A.B.P. No. 616 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Bangra P.S. Case No. 56 of 2022 is hereby set aside and the appellant above-named i.e., appellant nos. 1 and 2, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bangra P.S. Case No. 56 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

